

State Water Resources Control Board

Division of Drinking Water

April 22, 2015

Water System No. 3500539

Mr. Bill Regentz, Owner
Dunneville Café and Market
5970 San Felipe Road
Hollister, CA 95023

Attention Mr. Regentz:

CITATION NO. 02_05_15C_003

NITRATE MONITORING AND REPORTING VIOLATION FOR 2014

Enclosed is a citation issued to the Dunneville Café and Market water system for failure to comply with requirements of Section 64432.1(a), Chapter 15, Title 22, of the California Code of Regulations. Specifically, your water system failed to collect and report a nitrate monitoring result from Well 02 during the 2014 calendar year.

Dunneville Café and Market water system will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. Dunneville Café and Market water system will receive a bill sent from our Division of Drinking Water Fee Billing Unit which will contain fees for enforcement time spent during the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons at (831) 655-6942 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Drinking Water Program

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-0509

cc: San Benito County Environmental Health Department

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**CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

TO: Dunneville Café and Market

ATTN: Mr. Bill Regentz, Owner
Dunneville Café and Market
5970 San Felipe Road
Hollister, CA 95023

**Citation No. 02_05_15C_003
FOR
VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATIONS,
SECTION 64432.1(a), ANNUAL NITRATE
MONITORING AND REPORTING VIOLATION
CALENDAR YEAR 2014**

Issued on April 22, 2015

22 Section 116650 of the California Health & Safety Code (hereinafter "CHSC") authorizes
23 the issuance of a citation to a public water system for violations or threatened violations
24 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4
25 (commencing with Section 116270) (hereinafter "California SDWA"), or any permit,
26 regulation, or standard issued or adopted thereunder.

27
28 The State Water Resources Control Board (hereinafter "Board"), acting by and through its
29 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
30 hereby issues a citation pursuant to Section 116650 of the CHSC to Dunneville Café and
31 Market (hereinafter "System") for violation of Title 22, California Code of Regulations
32 (hereinafter "CCR"), Section 64432.1(a).



1 A copy of the applicable statutes and regulations is included in Appendix 1, which is
2 attached hereto and incorporated herein by this reference.

3
4 **STATEMENT OF FACTS**

5
6 The System is classified as a transient non-community public water system that consists
7 of a restaurant and a store. The System serves a population of approximately 300
8 individuals through two service connections.

9
10 The System utilizes groundwater as its source of domestic water. Title 22, CCR, Division
11 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and
12 reporting requirements for inorganic constituents. All public water systems must comply
13 with the monitoring and reporting requirements for nitrate, as established in Title 22,
14 CCR, Section 64432.1, in order to determine if they are in compliance with the maximum
15 contaminant level for nitrate of 45 mg/L.

16
17 By electronic mail dated March 23, 2015, Mr. Tomas Moreno, Laboratory Director for
18 Bolsa Analytical Laboratory, confirmed to Division staff that no samples for nitrate
19 analysis testing from Well 02 (Primary Station Code: 3500539-002), were submitted by
20 the System for the calendar year of 2014. In response, a sample was collected from Well
21 02 on February 19, 2015 that showed no detection for nitrate. Furthermore, the February
22 19, 2015 nitrate result was electronically submitted to the Division. Therefore, the
23 System has complied with the annual nitrate monitoring and reporting requirements from
24 Well 02 for calendar year 2015.

1 **DETERMINATIONS**

2
3 Based on the Statement of Facts, the Division has determined that the System has
4 violated CHSC, Section 64432.1(a), in that the water system failed to monitor and report
5 a nitrate result for the calendar year of 2014.

6
7 **DIRECTIVES**

8 The System is hereby directed to take the following actions:

- 9
- 10 1. Forthwith, the System shall cease and desist from failing to comply with CHSC
11 Section 64432.1(a), Chapter 15, Title 22, CCR.
12
 - 13 2. On or before May 10, 2015, notify all persons served by the Dunneville Café and
14 Market water system of the nitrate monitoring and reporting violation in
15 conformance with Section 64463.7, Title 22, Chapter 15, CCR. The Public
16 Notification (Attachment A) may be used to fulfill this Directive, **provided the**
17 **corrective actions section and contacts section of the template are**
18 **completed prior to notification.**
19
 - 20 3. Commencing on the date of service of this citation, submit proof of public
21 notification conducted in compliance with Directive No. 2, herein above, within 10
22 days following such notification, using the form provided as Attachment B, hereto.
23
 - 24 4. The System shall ensure that monitoring is conducted annually for nitrate from
25 Well 02 and shall ensure that the analytical results are reported to the Division
26 electronically by the analyzing laboratory no later than the 10th day of the month
27 following completion of the analyses.
28

1 5. Notify the Division in writing no later than five days prior to the deadline for
2 performance of any Directive set forth herein if the System anticipates it will not
3 timely meet such performance deadline.

4
5 The Division reserves the right to make such modifications to this citation as it may deem
6 necessary to protect public health and safety. Such modifications may be issued as
7 amendments to this citation and shall be deemed effective upon issuance.

8
9 Nothing in this citation relieves the System of its obligation to meet the requirements of
10 the California SDWA, or any regulations, permit, standard or order issued or adopted
11 thereunder.

12
13 All submittals required by this citation shall be submitted to the Division at the following
14 address:

15
16 Jan R. Sweigert, P.E.
17 District Engineer, Monterey District Office
18 Northern California Field Operations Branch
19 Division of Drinking Water
20 1 Lower Ragsdale Drive, Building 1, Suite 120
21 Monterey, CA 93940

22
23 **PARTIES BOUND**

24
25 This citation shall apply to and be binding upon the System, its owners, shareholders,
26 officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this citation are severable, and the System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

Jan R. Sweigert
Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

April 22, 2015
Date

Appendix 1: Applicable Authorities
Attachment A: Public Notification Template
Attachment B: Proof of Notification Form

Certified Mail No. 7008-1830-0004-5435-0509



Appendix 1: APPLICABLE AUTHORITIES

CHSC, Section 116650 states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter, or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Title 22, CCR, Section 64432.1(a) states in relevant part:

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems...shall monitor annually..."

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required

¹ CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropane; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "We plan to take the required samples soon, as described in the last column of the table above."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Nitrate Monitoring Requirements Not Met for Dunneville Café and Market – Water System #3500539

Our water system failed to monitor as required for drinking water standards during the year 2014 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the year 2014, we did not monitor for nitrate and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the year 2014, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
Nitrate	Minimum is One Sample Annually	None	In the year 2014	February 19, 2015

If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the Dunneville Café and Market in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Water System ID #: 3500539

Date Distributed: _____

System Representative Name & Title: _____

System Representative Signature: _____

PROOF OF NOTIFICATION**Dunneville Café and Market****System Number: 3500539****Certification**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Dunneville Café and Market water system of the violations of Title 22, California Code of Regulations for the compliance period of calendar year 2014. I complied with the directives of this Citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Public Notification – Posting	
Public Notification – List 2 nd method used:	
<u>Proof of Notification</u>	
<u>Signature of Water System Representative</u>	<u>Date</u>

*** Attach a copy of the notice posted and distributed. ***

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.